

**FEDERAL COMMUNICATIONS COMMISSION
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January 4, 2017

Salem Media of Massachusetts, LLC
4880 Santa Rosa Road
Camarillo, CA 93012

Re: W263BS (FX), Rhinelander, WI
Salem Media of Massachusetts, LLC
Facility Identification Number: 122186
Special Temporary Authority
BSTA-20161228AAA

Dear Licensee:

This is in reference to the request filed December 28, 2016, on behalf of Salem Media of Massachusetts, LLC ("Salem"). Salem requests Special Temporary Authority (STA) to operate W263BS with temporary facilities at a new location, while the licensee implements construction permit BPFT-20160729ALM. Salem must return W263BS to operating status **no later than January 22, 2017** to avoid automatic cancellation of the station's license pursuant to Section 312(g) of the Communications Act.

An STA for the temporary facilities proposed is warranted, and the STA IS GRANTED for cooperation with the parameters set forth in the STA request.¹ **When W263BS commences operations pursuant to this STA, the licensee (or its representative) shall confirm the start of STA operations via an e-mail to Dale Bickel, dale.bickel@fcc.gov.** This date will be entered into the Commission's CDBS database to indicate that the station has resumed broadcasting. Salem must also file a Notice of Resumption of Operations for W263BS in the CDBS electronic filing system.

Salem must use whatever means are necessary to protect workers and the public from radiofrequency exposure in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310.

This authority expires on July 3, 2017.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [ending **January 22, 2017**], notwithstanding the grant of the present STA. See Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and Order, *Silent*

¹ This temporary facility will rebroadcast WXPB, Rhinelander, WI, per the consulting engineer's e-mail of December 28, 2016, which included retransmission consent from that licensee..

Station Authorizations, FCC 96-218 (released May 17, 1996). See also Public Notice, *Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). Please be aware that unauthorized operations – operations with facilities not authorized by a current STA or license – do not count as a resumption of operations within one year for the purposes of Section 312(g) of the Communications Act, and cannot be used to avoid the consequences of Section 312(g). See *A-O Broadcasting Corporation*, FCC 08-10, 23 FCC Rcd 603, released January 8, 2008.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Frank Jazzo (via e-mail only)